

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	CASE NO. BK05-82687-TJM
)	
MARGARET DAVIS and)	ADV. NO. 06-8038-TJM
JAMES DAVIS,)	
)	CH. 7
Debtor(s).)	
<u>MARGARET J. DAVIS,</u>)	
)	
Plaintiff,)	
)	
vs.)	
)	
EDUCATIONAL CREDIT MANAGEMENT)	
CORPORATION ("ECMC"))	
)	
Defendants.)	

ORDER

Hearing was held in Omaha, Nebraska, on June 1, 2010, regarding Filing # 17, Motion for Preliminary Injunction, filed by Margaret J. Davis, and Filing #21, Motion for Preliminary Injunction, filed by Margaret J. Davis; Filing #26, Motion to Add Defendant (Educational Credit Management Corporation), filed by Margaret J. Davis; Filing #24, Resistance, filed by Nelnet Loan Services; Filing #29, Resistance, filed by ECMC; Filing #32, Amended Resistance, filed by Nelnet Loan Services, and Filings #30 and #31, Motions to Continue Hearing, filed by ECMC and Nelnet Loan Services. Margaret J. Davis appeared pro se, Derek Aldridge appeared for Nelnet Loan Services, and Joel Bacon appeared for ECMC.

During the hearing concerning the various motions, it was agreed that Filing #26, the Motion to Add Defendant Educational Credit Management Corporation ("ECMC") should be granted. Therefore, that motion is granted and Defendant Nelnet Loan Services is dismissed from the case. The caption on the adversary proceeding should now be Margaret Davis vs. Educational Credit Management Corporation ("ECMC").

The motions for preliminary injunction cannot be granted because they deal with a judgment which was entered against Nelnet Loan Services and not against ECMC. Therefore, those motions, Filings #17 and #21, are denied.

The plaintiff, Margaret J. Davis, is granted until July 1, 2010, to amend her complaint to request that the student loan now held by ECMC be discharged. Such amendment should provide a detailed factual basis to permit ECMC and the court to evaluate the matter.

When the amendment is filed, Ms. Davis should provide a copy to Mr. Bacon, counsel for ECMC. ECMC shall then have twenty days to move or plead with regard to the amended complaint.

The motions to continue today's hearing, Filings #30 and #31, are denied.

IT IS ORDERED that Filings #17 and #21, Motions for Preliminary Injunction are denied; Filing #26, Motion to Add Defendant (Educational Credit Management Corporation is granted; Filings #30, and #31, Motions to Continue Hearing, are denied.

DATED: June 2, 2010

BY THE COURT:

/s/ Timothy J. Mahoney
United States Bankruptcy Judge

Notice given by the Court to:

*Margaret J. Davis
Derek Aldridge
Joel Bacon
U.S. Trustee

Movant (*) is responsible for giving notice to other parties if required by rule or statute.